

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<b>JOANNE WARWICK,</b>  Plaintiff,  vs.  <b>CITY OF DETROIT, et al.,</b>  Defendants.	<b>2:23-CV-11779-TGB-DRG</b>  HON. TERRENCE G. BERG  <b>ORDER DENYING SECOND REQUEST TO EXTEND TIME TO SERVE DEFENDANTS AND DISMISSING THE CASE (ECF NO. 12)</b>
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The Court has reviewed Plaintiff's motion to extend time to serve defendants, ECF No. 12, and the attachments of emails with City of Detroit staff and medical records. Upon review, the Court **DENIES** the request and **DISMISSES** the case **without prejudice**.

Under the Federal Rule of Civil Procedure 4(m), if a defendant is not served within 90 days after a complaint is filed, the Court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time. The Court has already granted one extension with an order that service be made within a specified time. ECF No. 10. Plaintiff did not comply with that Order.

Instead, sounding the same two themes of antagonistic dealings with officials and staff of the City of Detroit concerning the development project she opposes and physical and mental health challenges that she

is suffering, Plaintiff again describes events that she believes justifies her delay and failure to serve. ECF Nos. 9, 12. These reasons do not support the request for a further extension.

The complaint against the City of Detroit and 30 individual defendants was filed more than four months ago. Within one day of the filing, the Court denied a request for an emergency Temporary Restraining Order. ECF No. 7.

Notably, in her filing Plaintiff Warwick states: “Not sure I even want to pursue this. I need time to think this out.” ECF No. 12, PageID.255. That may well be the case, but it is not in the public interest to hold this case in suspended animation while Plaintiff takes time to make up her mind. That is not a sufficient reason to justify continuing issuing 31 summonses when each service deadline expires.

According, this case will be **DISMISSED WITHOUT PREJUDICE**. Because this dismissal is without prejudice, should Warwick decide to go forward with her claims and to follow through with serving the Defendants, she may re-file the Complaint.

**IT IS SO ORDERED.**

Dated: December 19, 2023     /s/Terrence G. Berg  
HON. TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE